

Remarks:

Status of Claims

Claims 1-23 were previously pending. Claims 1 and 5 are currently amended, claim 9 is canceled by way of this Amendment, and claim 24 is new. Thus, claims 1-8 and 10-24 are currently pending with claims 1, 5, 13, and 22 being independent.

Office Action

In the October 3, 2005, Office Action, the Examiner rejected all claims under 35 USC 102(b) in view of Kemp (U.S. Patent No. 2,841,255). Applicant respectfully submits that the Examiner's rejections are overcome by the amendments and arguments made herein as Kemp fails to disclose or suggest a covering panel having a lip operable for mating engagement with an adjacent panel, a covering panel having a flange with a plurality of locking members, or a retaining member including a drainage channel.

Kemp fails to disclose or suggest a covering panel having a mating lip

All independent claims of the present application now include the feature of a covering panel having a lip operable for mating engagement with a corresponding lip of an adjacent panel. As described on pages 5 and 8 and illustrated in FIG. 3, each panel includes a front lip 26 extending forwardly from the panel and a rear lip 28 extending rearwardly from the panel. Each panel is operable to mate with an adjoining panel to facilitate coupling of the panels, strengthen the system, and prevent water leakage.

In contrast, Kemp fails to disclose or suggest a covering panel having a mating lip. The Examiner generally contends, without any explanation, that Kemp discloses this feature as originally presented in claims 13 and 22. As is clearly evidenced by Kemp's figures and written description, Kemp's sound absorbing unit 16 (which the Examiner considers to be a covering panel) includes only flanges (end walls 37) that extend perpendicularly from the source absorbing unit 16. Kemp does not include anything that could be considered a panel mating lip (the "lips 44" are part of the

retaining member and not the covering panel). For instance, column 2, lines 17-21 of Kemp reads as follows:

Projecting upwardly from the four edges of the rectangular bottom wall 20 are side walls and end walls which cooperate with the bottom wall to define a space for receiving and enclosing a body of sound absorbing material 26.

Thus, Kemp's sound absorbing units 16 do not include lips or other elements that are operable to mate with adjoining absorbing units. Instead, each rectangular sound absorbing unit 16 includes four upwardly projecting flanges that couple with T-bars 28 (which the Examiner considers to be retaining members) and not with other sound absorbing units. As a result, Kemp fails to disclose or suggest all claimed features of the present invention.

Kemp fails to disclose or suggest a covering panel having a flange with a plurality of locking members

Independent claims 13 and 22 include the feature of a covering panel having a flange with a plurality of locking members protruding perpendicularly therefrom. Utilization of a plurality of locking members, instead of a single and continuous locking member, facilitates coupling of the covering panels and retaining members by preventing the flanges and panels from unzipping if a portion of the locking member is detached. For example, roof covering panels are often distorted due to wind loading, which may cause parts of continuous locking members to disconnect and peel away from the retaining member, thereby disconnecting the entire locking member. Discrete zones of attachment provided by a plurality of discrete locking members prevents such peeling and unzipping.

In contrast, Kemp only discloses continuous locking members. The Examiner generally contends, without any explanation, that Kemp discloses a plurality of locking members as presented in claims 13 and 22. As is clearly evidenced by Kemp's figures and written description, Kemp's arcuate portion 42 (which is what the Examiner presumably considers to be a locking member) extends along the entire length of the panel flange to conform to a continuous recess formed in the

retaining member (column 2, lines 47-50 and FIGS. 2 and 4). Kemp provides no disclosure or suggestion that the arcuate portion 42 is anything but continuous along the entire length of the end wall 37. As a result, Kemp fails to disclose or suggest all claimed features of the present invention.

Kemp fails to disclose or suggest a retaining member including a drainage channel

As recited in claims 2, 10, 13, and 22, the retaining member of the present invention is operable to include a drainage channel. Each retaining member's drainage channel connects with an adjacent retraining member to form a composite drainage channel which is preferably continuous across a roof (page 7, lines 14-22). Water, after striking the panel, is guided towards the drainage channel by the flanges and is directed away from the roof through the composite drainage channel. Such functionality protects the roof and associated structures by efficiently removing water.

In contrast, Kemp provides an acoustical system for hanging from a ceiling. As such, Kemp's configuration is generally the opposite of the present invention's as Kemp's covering panels are mounted below Kemp's retaining members while the present invention's covering panels are mounted above the retaining members to enable water to flow from the covering panels to the drainage channel. As a result, Kemp is inoperable to provide a drainage channel as any fluid present within the T-bar 28 (retaining member) would simply flow downward through the gap between the sound absorbing units and out of the T-bar 28. Thus, Kemp fails to disclose this claimed feature and the Examiner's rejections under 102(b) cannot stand.

Additionally, there is no suggestion or motivation to modify Kemp, such as by inverting the placement of the panels and retaining members and securing the retaining members to a roof, as Kemp's system is limited to hanging from indoor ceilings where the issue of water drainage is not present. As the Examiner neglected to provide any suggest or motivation to modify Kemp for placement on a roof to form a drainage channel, the Examiner failed to form a prima facie case of obviousness.

Further, Kemp teaches away from reconfiguring the T-bars 28 to form a continuous drainage channel. As shown in FIG. 1, Kemp's T-bars 28 must be arranged in alternating vertical and

horizontal positions to conform to the panel flanges (discussed above at length). The alternating vertical and horizontal positions form gaps between each T-bar and prevents the formation of a drainage channel as any water that would flow through the T-bars would spill out at every intersection of a horizontal and a vertical T-bar.

New Claim 24

New claim 24 recites the feature of a retaining member having a top wall operable to support at least a portion of a covering panel. Support for this feature is found in FIG. 2 and page 5 of the specification. The top wall supports the covering panel when a load is applied thereto by preventing the covering panel from being further inserted into the retaining member. As Kemp's system hangs from a ceiling, Kemp is not concerned with loads being applied to covering panels. As a result, Kemp's retaining members (T-bars 28) fail to provide any supporting surface that prevents panel movement due to a load, as the T-bar lips 44 only facilitate insertion of the flange and do not support the panels (column 2 lines 50-55). Thus, Kemp fails to disclose or suggest the features of new claim 24.

Conclusion

The Examiner's cited reference, Kemp, fails to disclose or suggest various claimed features of the present invention, including a covering panel having a mating lip, a covering panel having a flange with a plurality of locking members, and a retaining member including a drainage channel. Further, Kemp expressly teaches away from some of these features due to Kemp's intended usage as a acoustic ceiling hanger and not as a roof cover.

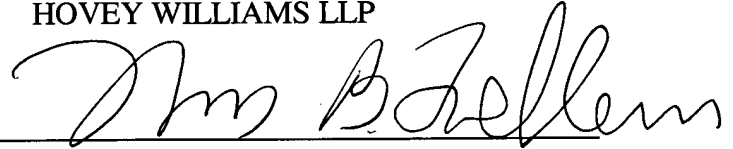
Thus, claims 1-8 and 10-24 are in allowable condition and Applicant respectfully requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Application No. 10/716,836
Amendment dated November 9, 2005
Reply to Office action of October 3, 2005

Respectfully submitted,

HOVEY WILLIAMS LLP

By: _____

A handwritten signature in black ink, appearing to read "Tom B. Luebbering", written over a horizontal line.

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